

**MINUTES OF THE
LEGISLATIVE MANAGEMENT COMMITTEE**

March 29, 2005 – 3:00 p.m. – W135 House Building

Members Present:

President John L. Valentine, Chair
Speaker Greg J. Curtis, Vice-Chair
Sen. Ron Allen
Sen. Gene Davis
Sen. Mike Dmitrich
Sen. Dan R. Eastman
Sen. Beverly Ann Evans
Sen. Peter C. Knudson
Sen. Karen Hale
Rep. Jeff Alexander
Rep. Ralph Becker
Rep. Ben C. Ferry

Rep. Patricia W. Jones
Rep. Brad King
Rep. Rosalind J. McGee
Rep. Stephen H. Urquhart

Members Absent:

Sen. Karen Hale

Staff Present:

Mr. Michael E. Christensen, Director
Ms. M. Gay Taylor, General Counsel
Ms. Beverlee LeCheminant, Secretary

Note: A list of others present and a copy of related materials can be found at [/www.le.utah.gov](http://www.le.utah.gov), or by contacting the committee secretary, Beverlee LeCheminant, at 538-1032. A recording of the meeting is available from the committee secretary.

1. Committee Business

President Valentine called the meeting to order at 3:20 p.m.

MOTION: Sen. Davis moved to approve the minutes of the January 24, 2005 meeting. The motion passed unanimously. Rep. King was absent for the vote.

2. Legislative Management Policies

Mr. Christensen reviewed with the committee Legislative Management Policies, including changes made by the 2005 General Session of the Legislature and changes recommended by staff.

Mr. Christensen said that the changes in the policies are in the section that lists bodies where legislative participation is required by law. He indicated that this section lists the committees that have expired and the new committees and task forces that were created in the 2005 General Session.

Ms. Taylor stated that there were additional situations where legislative participation was required by law that are not listed in this part of the policies because of an oversight on staff's part and staff will bring those changes to the May Legislative Management Committee (LMC) meeting.

President Valentine indicated that LMC will approve all of the changes in the policies at the May meeting.

Mr. Christensen indicated that as a result of the move from the State Capitol Building to the House Building, LMC needs to adopt a policy relative to the use of the rooms in the House (West) Building.

Ms. Taylor said Capitol Preservation Board had proposed rules which staff used as an update for these policies. She highlighted what the committee rooms are in the House building and indicated that as of May 2, 2005, because of H.B. 250, LMC will have oversight and responsibility in governing the House Building so staff is anticipating that date in adopting these policies. Ms. Taylor reviewed the room policies with committee members and indicated that one thing that is new to the policies from the Capitol Preservation Board and not an existing LMC policy is that the Office of Legislative Research and General Counsel will provide technical assistance to the legislative, executive, and judicial branches only. She indicated it may be appropriate to charge the executive and judicial branches for this technical assistance. She said staff would bring a recommendation on this issue to the May LMC meeting.

MOTION: Sen. Knudson moved to approve the LMC Legislative Committee Room Use by Nonlegislative Committees or Staff policies. The motion passed unanimously.

3 H.B. 250 - Capitol Complex Space - Parking

Mr. Christensen said that H.B. 250, which passed during the 2005 General Session, gives the Legislature ownership and management responsibilities for the plaza underground parking. He then introduced Bryant Howe, Office of Legislative Research and General Counsel, to discuss the recommended parking plans.

Mr. Howe stated that he has been working with the House and the Senate and the staff of the Capitol Preservation Board to work out a parking policy. He distributed a map to each committee member and indicated that on one side it shows the parking proposal that will exist during the General Session, Special Sessions, Interim Days, the Tuesday before Interim Day, and any other day the Speaker and the President so designate and, on the back side, it shows the use of the parking stalls for every other day of the year.

MOTION: Sen. Eastman moved to approve the parking policy. The motion passed unanimously. Rep. Urquhart was absent for the vote.

4. Session Statistics

Mr. Christensen presented to LMC a statistical summary of the legislative session, including the number of bills introduced and passed in total and by each house.

Pres. Valentine told the committee that he had staff make up a list of bills that appear on the last day and the last hour of the session that have not had committee hearings. He indicated that this year the following bills had no committee hearing in either body: Executive Compensation Amendments, Supplemental Appropriations III, Supplemental Minimum School Finance Program, Master Study Resolution, and the Supplemental Appropriations Acts, all of which were appropriations acts. He stated that the only other exception was S.C.R. 11, *McGruff House*, which was a resolution. He indicated that this is a credit to the Legislature for making all other bills go through committee hearings.

5. Master Study Resolution and Appropriations Acts

Mr. Christensen said that with regard to the Master Study Resolution, an asterisk has been placed by

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those items which staff has recommended be assigned to interim committees based on subject or that the Executive Appropriations Committee has indicated having an interest in studying. He stated that the committee members have the opportunity to make any changes to the assignments suggested by staff.

MOTION: Rep. Becker moved to add *School Building Energy Efficiency* as a study item for the Education Interim Committee. The motion passed unanimously.

MOTION: Rep. McGee moved to recommend to the Government Operations Interim Committee that they give particular attention to Study Item #68 *Redistricting Commission*. The motion failed with Sen. Evans, Sen. Eastman, Sen. Knudson, Sen. Valentine, and Rep. Alexander voting in the negative.

MOTION: Rep. Curtis moved to add the following three study items to the Natural Resources, Agriculture, and Environment Interim Committee per Rep. David Clark's request: 1) Lake Powell Pipe to receive a state level status similar to that of the Bear River Development Project; 2) removal of the cap on the Water Development Fund and the possible use of new revenue for purchase of rights of ways for future projects (i.e. Bear River, Lake Powell Pipeline, etc.); and 3) changing of the current Bear River Development requirement of 70% of water sold prior to state participation; and also to add the following item at the request of Rep. Ure: long-term projection of water use and water reclamation. The motion passed unanimously.

MOTION: Rep. Becker moved to add *Electronic Waste Disposal and Recycling* as a study item for the Natural Resources, Agriculture, and Environment Interim Committee. The motion passed unanimously.

MOTION: Rep. Curtis moved to add *Pipeline Integrity in Relation to FERC Regulations* as a study item for the Public Utilities and Technology Interim Committee at the request of Rep. Ure. The motion passed unanimously.

MOTION: Sen. Dmitrich moved to add *Electrical Transmission Needs*, which is similar to the Wyoming Act, as a study item for the Public Utilities and Technology Interim Committee. The motion passed unanimously.

MOTION: Rep. Ferry moved to refer Item #158 *Water and Land Rights of Cities*, of the Political Subdivisions Interim Committee to the Natural Resources, Agriculture, and Environment Interim Committee. The motion passed unanimously.

MOTION: Rep. Becker moved to add the word "Policy" to Item #162 *Energy Issues*, after the word "Energy" in the Public Utilities and Technology study item list so it would read Energy Policy Issues. The motion passed unanimously.

MOTION: Rep. Curtis moved to add *State Health Plans* as a study item for the Retirement Interim Committee based on a letter from Sen. Hillyard and that the information from study Item #186 *Retirement Consolidation*, be reported back to the Executive Appropriations Committee in the October 2005 meeting. The motion passed unanimously. Sen. Evans was absent for the vote.

MOTION: Sen. Knudson moved to delete Item #190 *Driver License Qualifications*, from the Transportation Interim Committee's study list. The motion passed unanimously. Sen. Evans was absent for the vote.

MOTION: Rep. Urquhart moved to delete Item #206 *Ranked Choice Voting*, from the Legislative Process Committee's study list as the state cannot dictate internal political party processes. The motion passed unanimously. Sen. Evans was absent for the vote.

MOTION: Rep. Becker moved to add *Legislative Committee Hearing Process* as a study item for the Legislative Process Committee. The motion passed unanimously. Sen. Evans was absent for the vote.

MOTION: Sen. Dmitrich moved to add *the use of nonlapsing funds carried over from fiscal year 2005 by the Division of Community and Family Health Services to provide services for people with disabilities* as a study item for the Health and Human Services Interim Committee. The motion passed unanimously. Sen. Evans was absent for the vote.

MOTION: Sen. Dmitrich moved to add *Custodial and Noncustodial Parent Time Enforcement* study item to the Judiciary Interim Committee. The motion passed with Rep. Ferry voting in the negative and Sen. Evans absent for the vote.

MOTION: Sen. Knudson moved to delete Item #124 *Jail Contracting and Jail Reimbursement* and Item #166 *Municipal Utility Rates*, from the Master Study Resolution as they are duplicates of other studies on the list.

SUBSTITUTE MOTION: Rep. Ferry moved to delete Item 124 *Jail Contracting and Jail Reimbursement*, and Item #153 *Municipal Water and Electric Utility Earnings*, from the Master Study Resolution. The motion passed unanimously. Sen. Evans was absent for the vote.

MOTION: Sen. Eastman moved to refer Item #69 *Referendums and Initiatives*, from the Government Operations Interim Committee to the Judiciary Interim Committee. The motion passed unanimously. Sen. Evans was absent for the vote.

MOTION: Sen. Knudson moved to adopt the Master Study Resolution as amended. The motion passed unanimously. Sen. Evans was absent for the vote.

6. Sunset Review and Repeal Assignments

Ms. Taylor said that staff made recommendations as to which committees the Sunset Reviews should be studied, but the committee members have the opportunity to make any changes to those suggested assignments.

MOTION: Rep. McGee moved to send the Families, Agencies, and Communities Together for Children and Youth At Risk Act from the Education Interim Committee to the Health and Human Services Interim Committee. The motion passed unanimously. Sen. Evans and Rep. Alexander were absent for the vote.

Sen. Dmitrich indicated that Title 9 - Community and Economic Development, Section 9-2-2003 Creation of development zones in this sunset was addressed in a bill that passed in the 2005 General Session.

MOTION: Sen. Dmitrich moved to approve the Sunset Act and Repealers as amended. The motion

passed unanimously. Sen. Evans and Rep. Alexander were absent for the vote.

7. Audio Files of the Session on the Internet

Mr. Mark Allred stated that for a number of years the House and Senate have made live floor debates available to the public through the Internet and the House and Senate have recordings of floor debates back several years. He said that during the last session the Senate and the House used the Legislature's audio staff to put markers in the audio stream. Mr. Allred suggested the legislative staff could make the floor debates more accessible by connecting a particular bill on the Internet through a link on the web site that would pull up all of the times the bill was debated on the floor of the House or Senate and the public could listen from the convenience of their home or office Internet through their own computer. He indicated that he needs LMC's approval of this suggestion before he goes ahead with it, and he also asked if this is something the legislators would like to have access to on the floor calendar programs.

MOTION: Sen. Davis moved to approve the audio files proposal of Mr. Allred. The motion passed unanimously. Speaker Curtis, Sen. Dmitrich, Sen. Evans, and Rep. King were absent for the vote.

MOTION: Rep Becker moved to ask staff to bring back to LMC a report on the feasibility and cost of the public having access to both interim, standing, and appropriation subcommittee meetings on audio. The motion passed unanimously. Sen. Evans and Rep. King were absent for the vote.

8. Interim Dates

Special Session

Sen. Valentine stated that the special session is likely to be held in the afternoon of April 20 and the interim committees will be meeting in the morning from 8:00 to 10:15 a.m. and from 10:30 to 12:45 p.m. He indicated that he and the speaker will be meeting with the Governor this week and will find out more about the special session. Rep. Curtis stated that another alternative being discussed is to have Executive Appropriations on the morning of Tuesday, April 19, to have a caucus lunch at noon, start the Special Session on Tuesday afternoon, have interim committees on Wednesday morning as President Valentine stated, and finish the Special Session on Wednesday afternoon.

Sen. Valentine informed the committee that the items that were vetoed by the Governor were two bills and two line items.

Site Visit

Mr. Christensen said that the Speaker and President are interested in having a site visit again this year which would be in Logan on August 1st and 2nd. He also indicated that there will be no interim meetings in August.

MOTION: Sen. Knudson moved to approve the site visit to the Logan area on August 1st and 2nd. The

motion passed unanimously. Sen. Evans and Rep. King were absent for the vote.

Rep. Becker suggested looking at a site visit to Salt Lake County for the year 2006.

Letter from Education Interim Committee

Mr. Christensen discussed a letter from the Education Interim Committee chairs dealing with the special session, and particularly with the “No Child Left Behind issue,” and have asked approval to hold an interim meeting on Tuesday, April 5.

MOTION: Speaker Curtis moved to approve the Education Interim Committee’s request to hold an interim meeting on Tuesday, April 5, to discuss the “No Child Left Behind issue” and to approve per diem for committee members’ attendance. The motion passed unanimously. Sen. Evans and Rep. King were absent for the vote.

Interim Committee Dates

Mr. Christensen reviewed the 2005 Interim Schedule and indicated that there will be no interim meetings in August and that the November interim meetings will be held on the second Wednesday, November 9th. All other interim committee days from April through October will be on the 3rd Wednesday. Appropriation subcommittees may meet up to two times during the interim with prior approval of the committee agenda.

MOTION: Sen. Eastman moved to approve the 2005 Interim Schedule as presented. The motion passed unanimously. Sen. Evans and Rep. King were absent for the vote.

NCSL Training for Executive Appropriations Committee

Mr. Massey discussed a proposed NCSL Training Meeting for the Executive Appropriations Committee, plus the 18 appropriation subcommittee chairs, to be held on Tuesday, May 17, and asked the committee members if there is an interest in that training.

After committee discussion, the committee moved on to the next item of the agenda.

9. Water Issues Task Force Request for Site Visit

Mr. Christensen reviewed a letter from the Water Issues Task Force chairs requesting approval of a site visit to Southern Utah for two days and one night.

MOTION: Sen. Knudson moved to approve the Water Issues Task Force’s site visit. The motion passed unanimously. Sen. Evans and Rep. King were absent for the vote.

10. Other Business

Pres. Valentine made a public announcement that the Speaker and the President received a packet, which they forwarded on to the Legislative Auditor General, requesting an audit on the Mountainlands Association of Government, specifically on the issue of the use of CDBG funds to build a facility. He

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indicated that this item will be on the Audit Subcommittee's agenda.

11. Adjourn

MOTION: Sen. Davis moved to adjourn. The motion passed unanimously. Sen. Evans and Rep. King were absent for the vote.

President Valentine adjourned the meeting at 5:20 p.m.

